



49651 Shenandoah Circle
Canton, MI 48187

May 8, 2017

Representative Klint Kesto
Chair, Law and Justice Committee
Michigan House of Representatives

Via email: Melissa Weipert, Committee Clerk, mweipert@house.mi.gov

Re: Support of HB 4332, 4333, House Law and Justice Committee Meeting, May 9, 2017

Dear Rep. Kesto and Committee Members:

Thank you to the Committee for considering this bill, and to Representative Brann and his co-sponsors for introducing it. We appreciate the opportunity to provide information. Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization of legal professionals and animal advocates. We work within the legal system so animals are recognized and protected as individuals by combining advocacy, litigation and legislative efforts with education. The organization's Board of Directors voted to support these bills.

Summary:

AFA supports HB 4332 and 4333. The bills strengthen existing law related to crimes against animals. They provide additional tools for prosecutors. They acknowledge the fact that animal abuse can be a part of domestic violence and attempts to intimidate human victims. We support the change to the definition of "breeder" which was adopted by the Senate Judiciary Committee to SB 276 (its version of HB 4332) in Substitute S-1.

Discussion:

HB 4332 amends the animal neglect and animal cruelty statutes (MCL 750.50 and 750.50b, respectively), by, *inter alia*:

- Extending the neglect provisions of MCL 750.50 to breeders and pet shop owners; refining the graduated penalties for animal abuse based on number of animals and number of prior convictions, by creating an intermediary category of 10 or more animals but fewer than 25; adding a provision allowing probation of not less than 5 years for cases involving 25 or more animals, or three or more prior convictions
- With respect to the cruelty provisions of 750.50b, defining and providing more protections for companion animals; prohibiting and increasing penalties for actions intended to cause

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mental suffering or distress, or to exert control over, a person; increasing penalties to imprisonment for up to 10 years, and providing for concurrent sentencing

We recommend that this Committee adopt the Senate Judiciary Committee's revised definition of "breeder", so that page 2, lines 6 and 7 of the current bill would read: **"BREEDER' MEANS A PERSON WHO BREEDS ANIMALS OTHER THAN LIVESTOCK FOR REMUNERATION."** This change would make it less burdensome for prosecutors to prove that element of the crime, as compared to the existing language which would require proof that a breeder is "making a profit."

HB 4333 increases the statutory maximum to reflect the increased penalties provided in SB 276; and, importantly, revises four "offense variables": those related to psychological injury, exploitation of vulnerable victim, interference with the administration of justice, and property obtained, lost, damaged or destroyed (variables 4, 10, 16, 19). If the bill passes, judges would be able to consider, in determining a sentence, whether any of the following factors were present:

- Severe psychological injury requiring professional treatment to companion animal's owner
- Actions done with the purpose of manipulating a victim for selfish or unethical purposes in violation of 750.50b
- Number of animals involved, if more than 10 (and a higher score if more than 25)
- Violation of a personal protection order (as inference with the administration of justice)

These bills (originally introduced in the prior legislative session) were drafted with the assistance of prosecutors and those working in the animal welfare field. They refine Michigan's efforts to combat crimes against animals by addressing the social problem of animal hoarding, both with stepped-up penalties for crimes involving 25 or more animals, and with a lengthy probation which enables long-term monitoring of those with a history of hoarding.

By acknowledging the connection between animal abuse and other violent behavior, particularly in the domestic violence context, they build on the legislation passed last term, HB 4478, PA 94 of 2016, which allows animals to be protected by Personal Protection Orders.

In summary, both humans and animals receive more protection under these bills.

Attorneys for Animals urges this Committee to report favorably HB 4332 and 4333, with the change to definition of "breeder" as noted above.

Very Truly Yours,



Beatrice M. Friedlander, JD
President

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